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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/004,040	01/07/1998	LOVELL BRENT IVIE	T2701.DIV	9760

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GRANT R CLAYTON  
CLAYTON HOWARTH & CANNON, PC  
P O BOX 1909  
SANDY, UT 84091-1909

EXAMINER

SRIVASTAVA, VIVEK

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/004,040	<b>Applicant(s)</b> IVIE ET AL.	
	<b>Examiner</b> Vivek Srivastava	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 25-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

For brevity purposes and since no amendments have been made to the claims, the previous rejection of the claims is incorporated into this office action and is therefore not repeated.

### *Response to Arguments*

(1) Applicant's argue that the dissemination means is adequately supported in the specification. Applicant's further argue what the structure of the dissemination means includes.

After reviewing Applicant's specification and Applicant's comments, the Examiner is not convinced that the dissemination means is adequately supported in the specification. From the specification and drawings, it is not clear what structure, material or acts are required for performing the recited function. Further, on page 5 of Applicant's response, Applicant's argue "The dissemination means may also include sets of connectors 118 through 140." Even from Applicant's arguments, it is not clear what structure, material or acts are required for performing the recited function, since the word 'may' seems to indicate that the structure may or may not be needed to perform the claimed function. As a result, Applicant's arguments are not persuasive.

(2) Applicant's disagree that the service center identified by reference numeral 32 in figure 2 of the Gutenson patent is capable of selectively conveying information signals to a first, second and third rooms as asserted by the Examiner.

The Examiner respectfully disagrees. Gutenson discloses "Service center 32 receives external electrical signals and distributes these signals to the various locations in the home..." (see col 3 lines 8 – 15). External communications cable 52 is distributed to various rooms (see col 3 lines 28 – 45, col 4 lines 51 – 68, fig 2) throughout the home. As a result, Applicant's arguments are not persuasive.

(3) Applicant's that the topology of Gutenson described in connection with the service center 32 does not permit a signal to selectively conveyed to a first, second and third rooms.

The Examiner respectfully disagrees. The topology and structure of the system in Gutenson permits distribution of signals to the selected rooms within the house. Furthermore, Applicant's admission on page 6 of Applicant's response that "selectively as used in the in the present application means all, some or none..." further supports the fact that signals are selectively conveyed to a first, second and third rooms. It is further noted that the limitation of selectively conveying in claim 25 is recited in the alternative "...such that the electronic information signals may be conveyed to only one of the first, second or third rooms in the structure or a plurality of rooms in the structure. Gutenson selectively distributes information to a plurality of rooms in the home.

Art Unit: 2611

(4) Applicant's argue that Gutenson does not teach or suggest that splitter 80 is capable of selectively conveying the information to the different rooms. The latest office action does not explain how splitter 80 may selectively convey signals to different rooms.

As discussed in (3) above, the word 'selectively' as defined in the application is met by Gutenson.

(5) Applicant' argue that since the rooms of the Gutenson device are not directly connected to the service center 32, service center 32 would not inherently have the required connectors of claim 25 as stated in the latest office action. Further Gutenson does not teach or suggest the use of connectors for different transmission media mounted on a single panel as required by claim 25 and Applicant believes that it is improper for the Examiner to take such a position without pointing out adequate support in the prior art for the same.

The Examiner concurs that Gutenson fails to teach the use of connectors for different transmission media mounted on a single panel. The Examiner pointed out in the previous office action it would have been obvious, based on knowledge in the art, to modify Gutenson to teach this limitation. It is noted that if Applicant's want evidence to support the Examiner's assertion, a reference can be provided per Applicant's request.

The Examiner further suggests amending the claims to further define the panel and associated structure may be a way of overcoming the prior art.

(6) Applicant's argue, with regards to claim 48, that the unsupported statement provided in the office action that such a combination would have been obvious is not supported by any of

Art Unit: 2611

the prior art reference of record and that a prima facie case of obviousness has not been made by the Examiner as required.

As discussed above, The Examiner pointed out in the previous office action it would have been obvious, based on knowledge in the art, to modify Gutenson to teach this limitation. It is noted that if Applicant's want evidence to support the Examiner's assertion, a reference can be provided per Applicant's request.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2611


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304.

The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs  
6/3/05

  
VIVEK SRIVASTAVA  
PRIMARY EXAMINER